

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 49-51 are added, and no claims are canceled or amended (claims 1-27 were previously canceled). As a result, claims 28-51 are now pending in the application.

In the Office Action of June 26, 2007, claims 28, 35, 42 and 45 are rejected on the ground of non-statutory obviousness-type double patenting in view of claims 1, 17, 26 and 36, respectively, of U.S. Patent 6,690,392. Claims 28-32, 35-39 and 42-48 are rejected under 35 U.S.C. §102(b) in view of U.S. Patent 6,211,870 (Foster). Claims 33-34 and 40-41 are rejected under 35 U.S.C. §103(a) in view of Foster and further in view of Published U.S. Patent Application 2004/0172621 (Guillorit).

Nonstatutory Obvious-Type Double Patenting Rejection

The rejection of claims 28, 35, 42 and 45 on the ground of non-statutory obviousness-type double patenting in view of claims 1, 17, 26 and 36, respectively, of U.S. Patent 6,690,392 is overcome in view of the Terminal Disclaimer filed in conjunction with this paper. Accordingly, withdrawal of the rejection is respectfully requested.

§102 Rejection in view of Foster

The present invention involves the creation of macro commands for a convergence system having multiple components, at least one remote control, and at least one user interface

other than the remote control. The user interface other than the remote control may be keyboard functions, computer mouse functions, or other types of user interface functions aside from those of the remote control. As discussed in the Background, conventional technology allows users to select a sequence of remote control commands and store the commands in a macro of the remote control. However, the conventional devices are limited to macros comprising the remote control commands—that is, commands native to a remote control itself for controlling the components. This is the type of system described in the Foster patent. It is believed that the Foster system does not allow the user interface commands *other than those of a remote control* to be identified and assigned.

Foster involves a computer controlled programmable remote control. The Foster system features a hand held remote unit that can be programmed with commands from a database which is associated with the device. The Foster system also has remote control development software that can be programmed to learn the commands of another remote control device, as explained in the following:

It should be appreciated, however, that the remote control development software can be used to learn commands from multipurpose, universal and programmable remote control units as well as single-purpose programmed remote control units as shown in the example.¹

Foster does not disclose identifying or assigning user interface commands such as the “at least one user interface other than the remote control,” as recited in claims 28 and 35.

Moreover, it is believed that Foster does not anticipate identifying and programming commands for more than one device in a desired sequence of a macro. The Foster system allows its remote control to be programmed with commands for one single, particular device. However,

Foster does not disclose “identify[ing] at least one remote control command and at least one user interface command for execution in a desired sequence,” as recited in claims 28 and 35 (emphasis added).

Accordingly, it is respectfully submitted that the Foster patent does not disclose the features of the claimed invention. Therefore, withdrawal of the pending rejection is requested.

§103 Rejection in view of Foster/Guillorit

Claims 33-34 and 40-41 are rejected under 35 U.S.C. §103(a) in view of a hypothetical combination of Foster and Guillorit. This paper is being filed in conjunction with a Request for Corrected Filing Receipt and a Terminal Disclaimer to accord priority from the parent application, U.S. serial no. 09/353,911 filed July 15, 1999, now issued as U.S. Patent 6,690,392. Since the parent ‘911 application of this continuation predates the Guillorit document, it is believed the pending §103 rejection is overcome. Therefore, withdrawal of the rejection is respectfully requested.

New Claims

Dependent claims 49-51, newly added by this Amendment, each recite “wherein said at least one user interface command comprises a command for said computer.” Support for this feature can be found throughout the disclosure, for example, at the first whole paragraph of page 14. It is respectfully submitted that this feature is neither taught nor suggested by the prior art.

¹ Foster, col. 7, lines 62-67.

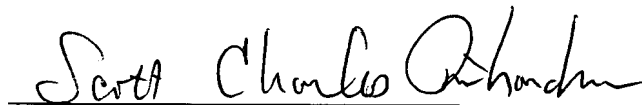
Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time is needed, and the accompanying Fee Transmittal attends to all fees required for this filing. However, to the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

A handwritten signature in cursive script, reading "Scott Charles Richardson", written over a horizontal line.

Scott Charles Richardson

Reg. No. 43,436

McGrath, Geissler, Olds & Richardson, PLLC
P.O. Box 7085
Alexandria, Virginia 22307

Date: August 23, 2007